HONOURABLE SRI JUSTICE B.PRAKASH RAO

And

HONOURABLE SRI JUSTICE D.APPARAO

TUESDAY, THE SEVENTH DAY OF MARCH TWO THOUSAND SIX

WRIT APPEAL No.17 of 2001

Between:

The APSRTC, rep. by its Depot Manager,

Pargi Depot. .. Appellant

Vs.

1. S.A.Ali, Ex.Conductor (died)

2. The Additional Labour Court, Hyderabad

3. Smt.Afzal Unnisa

   W/o.late S.A.Ali (Retired ADC).

   (R-3 brought on record as Legal Representative

   of deceased R-1 as per Court order dated 30-08-2001

   in W.A.M.P.No.2253 of 2004.) .. Respondents.

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JUDGMENT (Per Hon'ble Sri BPR, J)**:**

Heard Sri V.T.M.Prasad, learned standing counsel appearing for the appellant and Sri A.K.Jayaprakash Rao, learned counsel appearing for R-3 who is the Legal Representative of the deceased R-1.

2. The appellant-Corporation which is a public management seeks to assail the orders passed in W.P.No.6953 of 1990, dated 02-08-2000, filed by itself, wherein the 1st respondent-workman was reinstated into service.

3. The few facts that are necessary for disposal of this appeal are that R-1, who appears to have died subsequent to the filing of this appeal, was found to be committed certain irregularities while he was conducting bus on 26-06-1985, whereupon, an enquiry was conducted and charge sheet was issued and ultimately found guilty. Accordingly he was removed from service. Aggrieved thereby, he raised dispute before the Labour Court-2nd respondent herein. During the course of enquiry, Labour Court, after considering the material on record, passed an award holding that the explanation offered by the 1st respondent is sufficient and reasonable and as such it does not amount any serious infringement and accordingly directed the appellant-Corporation to reinstate
deceased R-1-workman into service with continuity of service and all attendant benefits including back wages. Challenging the same the present writ petition has been filed by the appellant-Corporation.

4. The learned single Judge after considering the submissions made by the learned counsel appearing on either side and also the entire material available on record, opined that even through the deceased-1st respondent must be found to be guilty of the charges, however, in view of the statement made by the ticket-less passengers themselves that they had in fact made a representation to the deceased-1st respondent that they were pass-holders and are entitled to travel in the bus and apart from the fact that there was no allegation that the deceased R-1-workman collected the fare from the ticket-less passengers, the deceased-R-1 was entitled to reinstatement with continuity of service with all attendant benefits including backwages and accordingly, dismissed the writ petition. Hence, this appeal.

5. Having heard the learned counsel appearing on either side and on perusal of the entire material available on record, we are of the opinion that having regard to the finding especially based upon the explanation which was found to be reasonable, this Court cannot interfere with the order of the learned single Judge by exercising the powers under Clause 15 of the Letters Patent Appeal. Hence, we do not find any merits in this appeal and the same is liable to be dismissed.

6. During the course of arguments, the learned counsel for the

respondents submits that though R-1 died on 17-07-2004 and apart from it the award passed on 17-05-1989, till now no payment was paid to him. In view of the same, there shall be a direction to the appellant-Corporation to pay the entire amount to which the deceased-R-1 is entitled to, including the attendant benefits and back-wages and also all the statutory benefits to R-3 who is the Legal Representative of the deceased R-1, within a period of two months from the date of receipt of a copy of this order.

7. With the aforementioned direction, the Writ Appeal is dismissed. No costs.

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(B.PRAKASHRAO,J)

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(D.APPARAO, J)

March 7, 2006.

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